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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,505	12/31/2003	Denise J. Nelson	17,858.2	1813
23556	7590	09/01/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,505

Applicant(s)

NELSON ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-11,17,18,20-25,29,30,33,34,40,41,47 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,12-16,19,26-28,31,32,35-39 and 42-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05172004;08052004;091704;102104;020405;051005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-5, 8, 12-16, 19, 26-28, 31, 32, 35-39, and 42-460 in the reply filed on 07/08/2005 is acknowledged. The traversal is on the ground(s) that some of the claims of group II are dependent from other claim of group I, which include all the limitations of the claims depending from. This is not found persuasive because the claims of group II are product claims depending from method claims of group I, in this situation the product are restricted from the method because searching for product claims don't require searching for the method claims. Note that claims 25 and 30 as cited of the action of paper 20050524 as belonging to group I, are withdrawn and instead they belong to the article claims of group II.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 6, 7, 9-11, 17-18, 20-25, 29, 30, 33, 34, 40, 41, 47, 48 are drawn to an invention nonelected with traverse in Paper No. 07082005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

Claim 43 is objected to because of the following informalities: in line 2 of claim 43; applicants need to delete "acco(Original) rdion-like" and instead insert --accordion-like--;

Claims 26 and 31 are depending from non-elected claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 12-16, 19, 26-28, 35, 36, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kao (JP 10-095,481).

Kao discloses a method of folding a disposable absorbent article (Fig. 2), the article having an initial upper surface, an initial lower surface, a longitudinal centerline, a transverse centerline, opposing first longitudinal side edges opposing first transverse end edges and an unfolded configuration (Figs. 1 and 7), the method of folding comprising forming one fold extending in a transverse direction (Figs. 6 and 7) by bringing a portion of the initial upper surface into a facing relationship with another portion of the initial upper surface, the one fold being spaced between opposing first transverse end edges (Figs. 6 and 7), the resulting partially-folded article having an intermediate first surface, an intermediate second surface and opposing second transverse end edges, and thereafter forming a number, greater than one, of transversely extending folds in an accordion-like manner (Fig. 6), the transversely extending accordion-like folds being spaced between opposing second transverse end edges (Fig. 6).

Regarding claims 2 and 13: wherein the number of accordion-like transverse extending folds is an even number (Fig. 6).

Regarding claims 3, 14, and 26: wherein the number of accordion-like transverse extending folds is 2 (Fig. 6).

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Regarding claims 4, 15, and 27: wherein the one fold extending in a transverse direction is located substantially adjacent the transverse centerline (Fig. 6).

Regarding claims 5, 16, and 28: wherein the accordion-like transverse extending folds are spaced substantially equally between opposing second transverse end edges (Fig. 6).

Regarding claims 8 and 17: wherein the accordion-like transversely extending folds are spaced substantially equally between opposing second transverse end edges (Fig. 6).

Regarding claim 12: forming at least one longitudinally extending fold in each side margin by folding each first longitudinal side edge inward toward the initial upper surface and thus bringing a portion of the initial upper surface into facing relationship with another portion of the initial upper surface (Fig. 5; via longitudinal folds).

Regarding claims 36 and 43: the number of transversely extending accordion-like folds is an odd number (Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 32, 37-39, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao (JP 10-095,481).

Kao does not disclose that the accordion-like folds are 5. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kao's accordion-like folds to be more than 4 folds, in order to reduce the packaging

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space, since it has been held that mere duplication of the essential parts involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Alternatively, it would have been an obvious matter of engineering design choice to have modified Kao's accordion-like folds to be 5 folds, in order to reduce the packaging space, since applicant has not disclosed that 5 folds solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Kao's folds as shown in Fig. 6.

Regarding claims 32, 39, and 46: Kao discloses that wherein the transversely extending accordion-like folds are spaced substantially equally between opposing first transverse end edges (Fig. 6).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.